

## **EXHIBIT “B”**

Law Offices of

**BROOK HART**

A LAW CORPORATION  
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brookhartlaw@gmail.com

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Delivered By E-Mail (Mitch.Roth@hawaiiicounty.gov)  
And By United States Postal Mail

June 23, 2016

Mitchell D. Roth, Esq.  
Office of the Prosecuting Attorney  
County of Hawai'i  
Aupuni Center  
655 Kilauea Avenue  
Hilo, Hawai'i 96720

Re: Retention Of Evidence By The Hawai'i Police Department  
From The 1991 Dana Ireland Murder Case: State of Hawai'i  
v. Albert Ian Schweitzer, et al., Criminal No. 99-147  
(Third Circuit); Request That You, As The Big Island  
Prosecutor, Agree To Serve As The Recipient Of The  
Results Of Any FBI CODIS Analysis In This Case

Dear Mr. Roth:

We again write to you on behalf of the Hawai'i  
Innocence Project and our client Albert Ian Schweitzer. Your  
last e-mail correspondence, dated March 17, 2016, stated in  
pertinent part:

I still do not have a dog in this fight.  
But I think it is important to have the  
facts correct. As you are aware, I have  
been working with the police to get the  
list of items that [were] received from  
Bode Cellmark in September of 2015. As you  
could hear from the conversation with Capt.  
Wagner, there was some confusion about what  
you were asking for. As far as the  
comments about degradation, I was merely  
memorializing our conversation the other  
day. I do not believe that the police  
department has or will do anything  
intentionally to degrade the evidence.

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Our most recent correspondence to you about the above-referenced matter, dated March 17, 2016 (more than ninety days ago), stated in pertinent part:

Thank you for your reply e-mail this morning. I am encouraged by your response. We will see what happens with this matter.

Are you able to agree with me that the information I am seeking will be forthcoming within sixty (60) days?

We have not received a response from you to our request for a 60-day timeline, despite the passage of significantly more than that period of time. Your last above-quoted e-mail correspondence was made in response to our previous e-mail correspondence pertaining to the above-referenced matter, dated March 16, 2016, in which we stated in pertinent part:

You and I obviously have a disagreement regarding some aspects of our telephone conference on Monday, March 14, 2016. You advised me previously that you would give us an inventory list of the items retained by the Hawaii Police Department that it had received on September 25, 2015, and that you "do not have a dog in this fight." Whether or not the items are degraded is an issue we can address once we have that inventory and then forensically examine the items. When Cellmark (now Bode) sent these items in September of 2015 to the Hawaii Police Department there was no suggestion that any of the items had been degraded. The items were also packed in a way that would not contribute to any degrading or deterioration of the evidence ....

Please confirm that all of the Schweitzer (and Pauline) evidence has been retained

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pursuant to H.R.S. § 844D-126, and that it contains all of the items the Hawaii Police Department received on September 25, 2015.

I believe we can resolve this matter amicably without having to involve the court. I hope that we can cooperate to do so within no longer than the next sixty (60) days. That period should give the Hawaii Police Department more than enough time to compile the inventory of retained evidence we are requesting.

Unfortunately, we have not received a response from you since your last e-mail correspondence on March 17, 2016. Thus, we are now again renewing our requests for confirmation from the Hawai'i Police Department (see our enclosed letter dated June 22, 2016, to Hawai'i Police Department Chief Harry S. Kubojiri, which I wrote at your suggestion) regarding the Hawai'i Police Department's retention of evidence from the 1991 Dana Ireland case and the inventory list of evidence now possessed by the Hawai'i Police Department, evidence that it apparently received on September 25, 2015. We have been requesting that information from you by e-mail and telephone communications between October of 2015 and March 16, 2016.

Further, on February 2, 2016, via telephone, you informed the undersigned that you had discovered a letter to you from the Hawai'i Police Department, dated January 29, 2016, that acknowledged that the Hawai'i Police Department possessed the materials previously sent to it by Cellmark in September of 2015. You did not say whether that letter also confirmed the status and storage condition of that evidence, and whether any of the items had been opened or tampered with. You did state that you would send us a copy of that letter of January 29, 2016, from the Hawai'i Police Department to you. However, we have never received a copy of that letter. Thus, we are respectfully renewing our request that you provide to us a copy of that letter of January 29, 2016, from the Hawai'i Police Department to you.

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In our view, the above requests (and the requests contained in our enclosed letter to Hawai'i Police Department Chief Harry S. Kubojiri, dated June 22, 2016) are of critically significant importance in our efforts to obtain justice for our client Albert Ian Schweitzer in this matter. We respectfully urge you to please join us in taking these important steps in pursuit of justice.

As to our CODIS request, Forensic Analytical Sciences, Inc., 3777 Depot Road, Suite #403, Hayward, California 94545, is in the process of completing testing of DNA material for this case. While DNA testing conducted by Cellmark on the items returned to the Hawai'i Police Department on September 25, 2015, has excluded Albert Ian Schweitzer, Shawn Schweitzer and Frank Pauline, Jr., as the source of the DNA, these results were not eligible for CODIS upload because the DNA testing performed by Cellmark, at that time, was not compliant with the recently revised requirements of the FBI for such an upload. Thus, we contacted Forensic Analytical Sciences (fully authorized and qualified by the FBI for CODIS upload submissions) and discovered that DNA extracts were retained and stored frozen by Forensic Analytical Sciences from the original DNA testing conducted in 1999. Initially, in 1999, Lisa Calandro of Forensic Analytical Sciences conducted her examination and evaluation of the DNA extracts and concluded that Frank Pauline, Albert Ian Schweitzer and Shawn Schweitzer were excluded as sources of DNA.

Our current contact person at Forensic Analytical Sciences is C. Alan Keel, DNA Section Technical Leader. Mr. Keel's telephone number is 510-266-8100 and akeel@facrimelab.com is his email address. Mr. Keel is arranging to have a law enforcement agency upload the current DNA test results to CODIS. If the uploaded DNA test results produce a CODIS "hit" and are identified as being related to a person in the CODIS database, the FBI protocol requires that it send the result of the CODIS analysis (and presumably the name and identity of the person located in the FBI database) to a law enforcement official in Hawai'i who is officially connected with the Dana Ireland case. Thus, we are respectfully

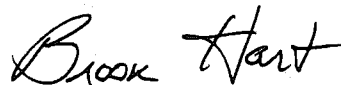
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requesting that you contact Mr. Keel by telephone and/or by e-mail, simply to acknowledge your willingness and agreement to serve as the CODIS information recipient in this case. If the DNA test results to be uploaded produce a match, that circumstance may alleviate the necessity for further DNA testing of the September 25, 2015, materials that I presume are currently in the safe custody of the Hawai'i Police Department. Please signify your willingness to serve as the CODIS information recipient by not only contacting Mr. Keel, but also by your expeditious response to this letter.

Thank you again, very much.

Sincerely,

The Hawai'i Innocence Project  
By Brook Hart and William A. Harrison

A handwritten signature in cursive script that reads "Brook Hart".

BROOK HART

- Enclosures:
- (1) Copy Of Letter Dated  
June 22, 2016, To Hawai'i  
Police Department Chief  
Harry S. Kubojiri
  - (2) Copy Of Orchid Cellmark/  
Federal Express Documents  
Regarding The Evidence  
Delivered To The Hawai'i  
Police Department On  
September 25, 2015

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And By United States Postal Mail

June 22, 2016

Chief Harry S. Kubojiri  
Hawai'i Police Department  
349 Kapiolani Street  
Hilo, Hawai'i 96720

Re: Retention Of Evidence By The Hawai'i Police Department  
From The 1991 Dana Ireland Murder Case: State of Hawai'i  
v. Albert Ian Schweitzer, et al., Criminal No. 99-147  
(Third Circuit)

Dear Chief Kubojiri:

We, the undersigned attorneys, write to you on behalf of the Hawai'i Innocence Project and our client, Albert Ian Schweitzer. In 2000, Mr. Schweitzer was found guilty by a Third Circuit Court jury of the murder of Dana Ireland. For the past sixteen years, Albert Ian Schweitzer has been imprisoned, most currently at Saguaro Correctional Center in Arizona.

In a separate trial, the late Frank Pauline, Jr., was also convicted of the Dana Ireland murder. Albert Ian Schweitzer's brother, Shawn Schweitzer, was convicted of a lesser offense arising out of the Dana Ireland murder and served about nine months of incarceration, followed by an unremarkable period of probation. Shawn Schweitzer was convicted after a plea proceeding before Judge Riki May Amano, in which the prosecutor, Lincoln Ishida, suggested to the court that Shawn's plea was confirmed by a polygraph examination, implying that Shawn had confessed to involvement with the murder. In fact, the result of that polygraph examination, in which Shawn claimed that he was involved with the murder, was "deception indicated" and not "inconclusive," according to the polygraph examiner, a police employee.



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The undersigned are among the co-founders of the Hawai'i Innocence Project, an organization dedicated since 2005 to exonerating individuals who have been wrongfully convicted because they are actually innocent. The Innocence Project accepted Albert Ian Schweitzer's case because we believe for several reasons that he is actually innocent and has been wrongfully convicted.

On December 24, 1991, Dana Ireland was riding home from a friend's house on her bicycle at around 3:30 p.m., when she was hit from behind by a vehicle at the intersection of Kapoho Kai Drive and Ililani Road on the Big Island of Hawai'i. Shortly thereafter, and while still alive, she was abducted to a location in Wa'a Wa'a and during the course of the incident was brutally raped. Witnesses at the Kapoho Kai Drive location told police that they had seen a truck, a mangled bicycle and a local man with a smaller person, perhaps a child, at the intersection around the time police believe Ms. Ireland was abducted. These witnesses were never called to testify during Albert Ian Schweitzer's trial. Rather, Schweitzer's defense lawyer, James Biven, stipulated that the testimony of those witnesses could be presented by the lead police detective in the case, Detective Steven Guillermo.

Approximately five miles away from the Kapoho Kai Drive intersection, Ida Smith, a Wa'a Wa'a resident, told police that at around 4:45 p.m. she heard the "gunning" of a truck engine and shortly thereafter, the screams of someone calling for help. Upon investigation, Ms. Smith found Ms. Ireland, who was delirious and partially nude, lying on a beach access path in Wa'a Wa'a. After some delay, police arrived on the scene and later an ambulance took Ms. Ireland to the hospital where she subsequently died from exsanguination.

About two and one-half years after Ms. Ireland's murder, Frank Pauline came forward and confessed to police that he and (he claimed) the Schweitzer brothers were responsible for the murder and rape of Ms. Ireland. Although Mr. Pauline later recanted his confession to police, he was convicted after a jury trial in 1999 for the death of Ms.



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Ireland and sentenced to two consecutive terms of life imprisonment. On April 27, 2015, Mr. Pauline himself was murdered by another inmate when Pauline was walking in the recreation yard of his place of imprisonment, the Southern New Mexico Correctional Facility. Remarkably, Mr. Pauline's murder (by an inmate who himself was serving two life terms of imprisonment for murder) came one day after Big Island newspapers reported that the Innocence Project was reexamining DNA evidence recovered in 1991 in connection with the case. This DNA evidence excluded both of the Schweitzers and Pauline from involvement in the case.

After Mr. Pauline's "confession," the investigation focused on a 1957 yellow Volkswagen Beetle owned by our client, Albert Ian Schweitzer. No DNA evidence belonging to Ms. Ireland was ever found on or recovered from the Volkswagen Beetle. Whether the damage sustained by Ms. Ireland's bicycle was the result of a collision with a truck or a Volkswagen Beetle was contested at trial. In 2015, highly regarded expert collision analyst and automobile accident reconstruction expert Clyde Calhoun (of Honolulu) was asked by the Innocence Project to evaluate the prosecution and defense experts' opinions and conclusions presented during our client Mr. Schweitzer's trial. Mr. Calhoun concluded that the damage sustained to Ms. Ireland's bicycle was consistent with a collision from the rear by a pick-up truck and not the suspected Volkswagen Beetle. Mr. Calhoun's analysis of the case found:

(1) The rear bicycle rim damage was consistent with a small, early model (pre-1980), foreign made pick-up truck with a factory supplied or a fabricated pipe front bumper, not a 1957 Volkswagen Beetle.

(2) The tire track casts from the vehicle/bicycle collision area were for an automobile tire much larger and wider than that installed on the suspected Volkswagen Beetle.

(3) The truck tire casts were consistent with a full-sized light truck or van's tires. Their rim width would cause tire interference conditions with both front and rear

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fenders of the 1957 Volkswagen Beetle.

(4) The impacting vehicle likely contacted the rear portion of the bicycle seat as the bicycle rotated counterclockwise, as viewed from the right side. This configures the front of the vehicle (truck) with a vertical grill that transitions to a flat sloping hood. The typical height of a small imported pick-up truck's hood brow is approximately thirty-six inches. That height is consistent with the bicycle seat height at the time of the collision.

(5) Mr. Calhoun concurred with defense expert James Campbell's analysis and conclusions regarding the December 24, 1991, vehicle/bicycle collision. In Mr. Calhoun's expert opinion, a bull-nosed bumper typical of Datsun and Toyota pick-up trucks circa 1965 to 1978 that measure three to four inches in vertical section would produce the same bicycle rim rupture profile as was observed in this case.

(6) Mr. Calhoun concluded that using the suspect Volkswagen Beetle's ground clearance dimensions as inspected and the manufacturer's minimum ground clearance data with ground clearance adjustments for occupant loading, it was highly unlikely that the vehicle could have passed over Dana Ireland without significant road surface and undercarriage contact. Dismemberment of Dana Ireland's body would be expected under specific body orientation conditions. However, no dismemberment was observed.

Most importantly, previous DNA testing has unequivocally excluded Albert Ian Schweitzer, Shawn Schweitzer and Frank Pauline from involvement in this case. In 1999, Lisa Calandro of Forensic Analytical Sciences, Inc., conducted her examination and evaluation of the DNA extracts collected from items of physical evidence and concluded that Frank Pauline, Albert Ian Schweitzer and Shawn Schweitzer were excluded as sources of DNA. We recently contacted Forensic

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Analytical Sciences, Inc.,<sup>1</sup> and confirmed that the DNA extracts from the 1999 testing had been retained, stored frozen and contained adequate DNA for additional DNA testing. Thus, Forensic Analytical Sciences, Inc., is currently completing re-testing of the DNA material for this case and will arrange to have a law enforcement agency upload those DNA test results to the FBI's CODIS database. However, if those DNA test results do not produce a match, additional DNA testing may be required of the materials that your agency received on September 25, 2015, and that presumably are currently in the custody of the Hawai'i Police Department.

Further, DNA testing on the Ireland-related materials was conducted in 2014 by a company then known as Orchid Cellmark (formerly known as ReliaGene Technologies, Inc., and now part of the company known as Bode Technology). At that time, DNA testing was conducted on several pieces of physical evidence collected by Big Island police from the Wa'a Wa'a crime scene and from Hilo Hospital. These pieces of physical evidence have a clear chain of custody. The Hawai'i Police Department packaged and sent this physical evidence to ReliaGene Technologies, Inc., on April 2, 2007. Evidence that had been tested for the presence of Albert Ian Schweitzer's DNA was properly stored at Orchid Cellmark (now Bode Cellmark) until it was returned, via FedEx, to the evidence custodian of the Hawai'i Police Department in Hilo on September 25, 2015, via Federal Express. (See the copy of the pertinent documents enclosed herewith.) To our knowledge the package was received by the addressee, but the name "C. Carvallio" appears on the FedEx document as the named recipient. At this point we respectfully seek your prompt response to this letter (which I am writing at the suggestion of Big Island prosecutor Mitch Roth, Esq.) as follows:

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<sup>1</sup> Forensic Analytical Sciences, Inc., 3777 Depot Road, Suite #403, Hayward, California 94545. Our current contact person at Forensic Analytical Sciences, Inc., is C. Alan Keel, DNA Section Technical Leader. Mr. Keel's telephone number is 510-266-8100 and akeel@facrimelab.com is his email address.

Chief Harry S. Kubojiri  
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Please confirm:

(1) that the Federal Express package specified in the enclosed documents was received by H.P.D. undisturbed from Federal Express delivery personnel on or about September 25, 2015;

(2) that the above-referenced Federal Express package has been retained by H.P.D. in its original condition and that the contents have not been opened, tampered with, degraded, destroyed or discarded in any manner since the date of its receipt by H.P.D. evidence custodians on September 25, 2015;

(3) that the materials returned to the Hawai'i Police Department by Federal Express have been stored by H.P.D. in an environment consistent with the preservation of any biological evidence contained in those materials; and,

(4) that your confirmation letter to us reaffirm that the materials your evidence custodians received on September 25, 2015, pertaining to this case, will continue to be safely stored in an appropriate environment and in compliance with H.R.S. § 844D-126, which states in pertinent part: "All evidence in the custody or control of a police department, prosecuting attorney, laboratory, or court that is related to the investigation or prosecution of a case in which there has been a judgment of conviction and that may contain biological evidence that could be used for DNA analysis shall be retained at least until the later occurring of either: (1) The exhaustion of all appeals of the case to which the evidence is related; or (2) The completion of any sentence, including any term of probation or parole, imposed on the defendant in the case to which the evidence relates." [Underlining added.] Defendant Albert Ian Schweitzer continues to serve his Hawai'i sentence in the Dana Ireland case at a contract correctional facility in Arizona.

In a letter of January 5, 2016, from Prosecuting Attorney Mitch Roth to your office, he requested that you respond to our request to him that he provide the confirmations that I have listed above in this letter. Mr.

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Roth opined that the Hawai'i Police Department should provide the undersigned with an inventory list of what the Hawai'i Police Department received from Orchid Cellmark on September 25, 2015. Mr. Roth requested that your office determine whether you have the evidence returned by Orchid Cellmark on September 25, 2015, and that your office inform him of what evidence is in the Hawai'i Police Department's physical custody as of the date of his letter. We have been attempting since October of 2015 to obtain this information from Mr. Roth or a responsible representative of your department. In that connection, we spoke to Mr. Roth, along with the captain in charge of evidence, Captain Robert Wagner, via telephone conference on March 14, 2016. We discussed with Captain Wagner the Hawai'i Innocence Project's request (first made in October of 2015) for a confirmation of items containing DNA then in the possession of the Hawai'i Police Department that are items listed as having been returned by Orchid Cellmark-Dallas to the Hawai'i Police Department on September 25, 2015, and delivered by Federal Express. During the telephone conference, Captain Wagner stated that he would provide said list precisely describing what items purportedly containing DNA the Hawai'i Police Department has in its possession. He implied that he would do so within a reasonable amount of time. On March 15, 2016, I e-mailed Mr. Roth, requesting (inter alia) that his office expedite the request to provide the list of evidence. On March 16, 2016, Mr. Roth sent an e-mail to the undersigned stating in pertinent part:

My understanding was that Capt. Wagner was going to ask the chief to make a request to records to see if the evidence sent back by Bode Cellmark in Sept. was still in police evidence and then provide a list of all evidence in the Bode Cellmark request that is still in. My understanding was that Capt. Wagner was not able to say how long it would take. Capt. Wagner also stated that he believed that the evidence may be degraded and not of any value for testing at this time.



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In response to Mr. Roth's e-mail of March 16, 2016, that same day we sent a reply to Mr. Roth stating that whether or not the items were degraded was an issue to be addressed once we received an inventory list and then forensically examined the items. We also stated to Mr. Roth that the items sent by Orchid Cellmark (now Bode) to the Hawai'i Police Department on September 25, 2015, were packaged in a way that would not contribute to any degrading or deterioration of evidence and Bode (formerly Orchid Cellmark) never suggested that any of the items had been degraded. We again requested confirmation that all of the evidence from Mr. Schweitzer's and Mr. Pauline's trials, including the items the Hawai'i Police Department received on September 25, 2015, has been retained by H.P.D., and requested that Mr. Roth please do so within sixty days. Mr. Roth responded by stating that he was working with the police to get the list of items that the police received from Orchid Cellmark in September of 2015. The implication was that any evidence would be and still is properly stored and preserved. Mr. Roth has not responded to our request that this information be received within sixty days, nor has he contacted us since his last correspondence on March 17, 2016.

Regrettably, we did not receive a response from your office to Mr. Roth's request of January 5, 2016. However, Mr. Roth claimed on February 2, 2016, that he had found a letter from the Hawai'i Police Department dated January 29, 2016, which acknowledged that H.P.D. possessed the materials previously sent to H.P.D. by Orchid Cellmark in September of 2015. Mr. Roth stated that he would send us a copy of that January 29, 2016, letter. However, we have never received a copy of such letter. Thus, in addition to the information and confirmations sought hereinabove, we are now respectfully requesting that you provide us with a copy of the letter to Mr. Roth dated January 29, 2016, pertaining to the materials, confirmations and conditions of the Schweitzer/Pauline evidence.

Chief Kubojiri, please join us in taking these important steps in the pursuit of justice in Albert Ian Schweitzer's case. After you have read this letter, the undersigned would be pleased to personally speak with you

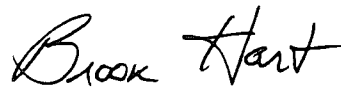
Chief Harry S. Kubojiri  
June 22, 2016  
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about any of these matters.

Thank you very much for your assistance in this matter.

Sincerely,

The Hawai'i Innocence Project  
By Brook Hart and William A. Harrison

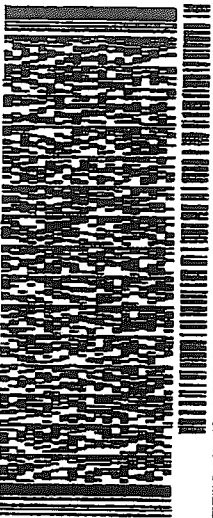


A handwritten signature in black ink that reads "Brook Hart". The signature is written in a cursive, flowing style.

BROOK HART

Enclosure: Copy Of Federal Express/Orchid Cellmark Documents  
Regarding The Evidence Delivered To The Hawai'i Police  
Department On September 25, 2015.

cc: Mitchell D. Roth, Esq.



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|---|-------------------------------|---|
| ORIGIN ID: PNYA (214) 271-8334<br>MELANIE GILBERT<br>ONCHOCCELLI MARK<br>13988 DIPLOMAT DR. STE. 100<br>FARMERS BRANCH TX 75234<br>UNITED STATES US |                               | SHIP DATE: 23SEP15<br>ACTWGT: 3.00 LB<br>CAD: 7523890/MET3070 |
| <b>TO EVIDENCE CUSTODIAN/HERBERT HAMERSM</b><br><b>HAWAII COUNTY POLICE DEPARTMENT</b><br><b>349 KAPIOLANI BLVD</b>                                 |                               | <b>BILL SENDER</b>  |
| HILO HI 96720<br>(808) 981-2238<br>INV. REF: R808-0037<br>PO. DEPT:   |                               |   |
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| TRACK 7745 7313 6600<br>0201  | FRI - 25 SEP PM<br>** 2DAY ** |   |
| SYITOA<br>HI-US HNL<br>96720  |                               |   |
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| Ship ID: 10353  |                               |   |

**After printing this label:**

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
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Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on [fedex.com](http://fedex.com). FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

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**FedEx® Tracking**

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Ship date :  
**Wed 9/23/2015**

Actual delivery :  
**Fri 9/25/2015 10:25 am**

Farmers Branch, TX US

**Delivered**

HILO, HI US

Signed for by: C.CARVALLIO

**Travel History**

| Date/Time               | Activity                           | Location     |
|-------------------------|------------------------------------|--------------|
| - 9/25/2015 - Friday    |                                    |              |
| 10:25 am                | Delivered                          | HILO, HI     |
| 8:28 am                 | On FedEx vehicle for delivery      | HILO, HI     |
| 8:27 am                 | At local FedEx facility            | HILO, HI     |
| - 9/24/2015 - Thursday  |                                    |              |
| 10:42 pm                | At local FedEx facility            | HONOLULU, HI |
| 7:36 pm                 | At destination sort facility       | HONOLULU, HI |
| 5:32 pm                 | Departed FedEx location            | OAKLAND, CA  |
| 3:43 pm                 | Arrived at FedEx location          | OAKLAND, CA  |
| 1:59 pm                 | Departed FedEx location            | MEMPHIS, TN  |
| 8:43 am                 | Arrived at FedEx location          | MEMPHIS, TN  |
| - 9/23/2015 - Wednesday |                                    |              |
| 9:53 pm                 | Left FedEx origin facility         | ADDISON, TX  |
| 4:06 pm                 | Picked up                          | ADDISON, TX  |
| 7:45 am                 | Shipment information sent to FedEx |              |

**Shipment Facts**

|                          |                  |                       |                    |
|--------------------------|------------------|-----------------------|--------------------|
| Tracking number          | 774573136600     | Service               | FedEx 2Day         |
| Weight                   | 2 lbs / 0.91 kgs | Delivered To          | Shipping/Receiving |
| Total pieces             | 1                | Total shipment weight | 2 lbs / 0.91 kgs   |
| Shipper reference        | RG08-0037        | Packaging             | FedEx Box          |
| Special handling section | Deliver Weekday  |                       |                    |



**Customer Focus**

New Customer Center  
Small Business Center  
Service Guide  
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FedEx Ship Manager Software  
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FedEx Freight  
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FedEx Trade Networks  
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ORCHID  
CELLMARK

## Chain of Custody of RG08-0037

Orchid Cellmark, Dallas

Agency Case No.: D74774/F001779

Subjects: Dana Ireland; Shawn A. Schweitzer

Add'l Agency Case No.: N/A

Suspects: Albert Schweitzer; Frank Raymond Pauline Jr.

Client: Professor Virginia Hensch  
University of Hawaii School of Law  
2515 Dole Street  
Honolulu, Hawaii 96822  
Phone: (808) 956-6547  
FAX: (808) 956-5569

Submission  
Detail:

|  |  |
|--|--|
| <input checked="" type="checkbox"/> Sealed | Ship ID: 5140                                      |
| Shipping:                                  | Barbara Freels CLP<br>USP:EB998097955US            |
| Signed For:                                | KZ 5/13/2008 10:53 AM                              |
| Received By:                               | KZ 5/13/2008 10:53 AM<br>Container Storage 110: RT |

| OC #            | Item Description   | External # |
|-----------------|--|------------|
| RG08-0037-01.01 | Buccal Swab - Albert Schweitzer(170307)                  |            |
| RG08-0037-01.02 | Buccal Swab - Albert Schweitzer(170308)                  |            |
| Not Examined    | Swab Wrapper:Buccal Swabs from Albert Schweitzer(170304) |            |
| Not Examined    | Swab Envelope:NOT COLLECTED(170301)                      |            |
| Not Examined    | Swab Envelope:NOT COLLECTED(170302)                      |            |

## Chain of Custody History:

| Item                  | Sealed | Scientist | Date/Time          | Storage | Action          | Comments |
|-----------------------|--------|-----------|--------------------|---------|-----------------|----------|
| USPS Envelope(142504) | Y      | KZ        | 5/13/2008 4:47 PM  | 110: RT | Accessioned     |          |
|                       |        | HN        | 10/6/2008 11:00 AM | 112: RT | Assigned/Moved  |          |
|                       |        | HN        | 10/6/2008 11:15 AM | 110: RT | Assigned/Moved  |          |
|                       |        |           | 9/23/2015 9:41 AM  |         | Return Shipment |          |

\* denotes created in lab

Issuing Authority: The Laboratory Director and/or the Technical Leader(s)

Effective Date 1/21/2015

Chain of Custody of RG08-0037 Form-L-67.05

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ORCHID  
CELLMARK

## Chain of Custody of RG08-0037

Orchid Cellmark - Dallas

Agency Case No.: D74774/F001779

Subjects: Dana Ireland; Shawn A. Schweitzer

Add'l Agency Case No.: N/A

Suspects: Albert Schweitzer; Frank Raymond Pauline Jr.

Client: Professor Virginia Hensch  
University of Hawaii School of Law  
2515 Dole Street  
Honolulu, Hawaii 96822  
Phone: (808) 956-6547  
FAX: (808) 956-5569

Submission  
Detail:

|  |   |
|--|---|
| <input checked="" type="checkbox"/> Sealed | Ship ID: 5320                                   |
| Shipping:                                  | Forensics UPS: 1Z 706 84E 01 6932 3385          |
| Signed For:                                | DH 6/18/2008 9:50 AM                            |
| Received By:                               | DLG 6/18/2008 9:52 AM Container Storage 110: RT |

| OC #            | Item Description   | External #       |
|-----------------|--|------------------|
| Not Examined    | Small Ziplock Bag: ReliaGene DNA Extracts and Substrates(151005)                       | F001779          |
| RG08-0037-10.01 | Panties: Pink w/Lace from Dana Ireland(506473)   | F001779/07-03052 |
| Not Examined    | 2.0ml Screw Cap Microcentrifuge Tube: Cuttings from Bloodstain-Upper Left Rear(506470) | F001779/07-03052 |
| Not Examined    | Large Ziplock Bag: Red underwear recovered from scene(151007)                          | F001779/07-03051 |
| Not Examined    | Large Ziplock Bag: Blue "Jimmy Z" t-shirt(151008)                                      | F001779/07-03050 |
| Not Examined    | Large Ziplock Bag: Lt. blue hospital sheet(151009)                                     | F001779/07-03049 |
| RG08-0037-08.01 | Vaginal Swab: Stick Only - Dana Ireland(506425)  | F001779/07-03053 |
| RG08-0037-09.01 | Comb: Pubic Hair - Dana Ireland(506438)  | F001779/07-03054 |

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Effective Date 1/21/2015

Chain of Custody of RG08-0037 Form-L-67.05 3 of 12

ORCHID  
CELLMARK

## Chain of Custody of RG08-0037

Orchid Cellmark - Dallas

Agency Case No.: D74774/F001779

Subjects: Dana Ireland; Shawn A. Schweitzer

Add'l Agency Case No.: N/A

Suspects: Albert Schweitzer; Frank Raymond Pauline Jr.

| OC #            | Item Description   | External #        |
|-----------------|--|-------------------|
| Not Examined    | Brown Paper:Denim Shorts(210632)                         | D74774/F001779-2  |
| RG08-0037-02.01 | Fingernail Clippings:Right Hand - Dana Ireland(405461)   | D74774/F001779-3  |
| RG08-0037-03.01 | Fingernail Clippings:Left Hand - Dana Ireland(405463)    | D74774/F001779-4  |
| Not Examined    | Brown Paper:White Socks(210636)                          | D74774/F001779-8  |
| Not Examined    | Brown Paper:Black Jogging Shoe(210651)                   | D74774/F001779-10 |
| Not Examined    | Plastic Container:Kool Brand Cigarette Butt(210655)      | D74774/F001779-11 |
| Not Examined    | Ziplock Bag:White Shoe(210663)                           | D74774/F001779-12 |
| Not Examined    | Plastic Container:Cigarette Butt(210673)                 | D74774/F001779-13 |
| Not Examined    | White Envelope:Blood Stained Leaves Set #1(210752)       | D74774/F001779-10 |
| Not Examined    | White Envelope:Blood Stained Leaves Set #2(210753)       | D74774/F001779-11 |
| Not Examined    | Brown Paper Bag:Blood Stained Leaves Set #3(210750)      | D74774/F001779-12 |
| Not Examined    | White Envelope:Blood Stained Leaves Set #4(210754)       | D74774/F001779-13 |
| RG08-0037-04.01 | Sock:Black(407056)                                       | D74774/F001779-15 |
| Not Examined    | Coin Envelope:Red Fabric W/ Possible Blood(210918)       | D74774/F001779-16 |
| RG08-0037-05.01 | Hairs:& Dried Vegetation Debris- Spare Tire Rack(407057) | D74774/F001779-17 |
| Not Examined    | White Envelope:Cover Letter- Empty(210921)               | D74774/F001779-17 |
| Not Examined    | Slide:Hairs(407058)                                      | D74774/F001779-17 |
| RG08-0037-11.01 | Hair:Hair From Scene Q-25 (Q83)(506580)                  | D74774/F001779    |
| RG08-0037-12.01 | Hair:Hair From Scene Q-25 (Q84)(506581)                  | D74774/F001779    |
| RG08-0037-13.01 | Hair:Hair From Scene Q-25 (Q85)(506582)                  | D74774/F001779    |
| RG08-0037-14.01 | Hair:A-From Trunk Carpet (Q-1A)(506586)                  | D74774/F001779    |
| RG08-0037-14.02 | Hair:B-From Trunk Carpet (Q-1A)(506587)                  | D74774/F001779    |
| RG08-0037-14.03 | Hair:C-From Trunk Carpet (Q-1A)(506588)                  | D74774/F001779    |
| RG08-0037-14.04 | Hair:D-From Trunk Carpet (Q-1A)(506589)                  | D74774/F001779    |
| RG08-0037-14.05 | Hair:E-From Trunk Carpet (Q-1A)(506590)                  | D74774/F001779    |
| RG08-0037-14.06 | Hair:F-From Trunk Carpet (Q-1A)(506591)                  | D74774/F001779    |
| RG08-0037-14.07 | Hair:G-From Trunk Carpet (Q-1A)(534023)                  | D74774/F001779    |
| RG08-0037-15.01 | Hair:A-From Trunk Carpet (Q-1B)(506592)                  | D74774/F001779    |
| RG08-0037-15.02 | Hair:B-From Trunk Carpet (Q-1B)(506593)                  | D74774/F001779    |
| RG08-0037-15.03 | Hair:C-From Trunk Carpet (Q-1B)(506594)                  | D74774/F001779    |
| RG08-0037-15.04 | Fiber:D-From Trunk Carpet (Q-1B)(506595)                 | D74774/F001779    |
| RG08-0037-15.05 | Hair:E-From Trunk Carpet (Q-1B)(506596)                  | D74774/F001779    |
| RG08-0037-15.06 | Hair:F-From Trunk Carpet (Q-1B)(506597)                  | D74774/F001779    |
| RG08-0037-15.07 | Hair:G-From Trunk Carpet (Q-1B)(506598)                  | D74774/F001779    |
| RG08-0037-15.08 | Hair:H-From Trunk Carpet (Q-1B)(506599)                  | D74774/F001779    |
| RG08-0037-15.09 | Hair:I-From Trunk Carpet (Q-1B)(506600)                  | D74774/F001779    |
| RG08-0037-16.01 | Hair:A-From Trunk Carpet (Q-1C)(506601)                  | D74774/F001779    |
| RG08-0037-16.02 | Hair:B-From Trunk Carpet (Q-1C)(506602)                  | D74774/F001779    |
| Not Examined    | Brown Paper:Empty(211025)                                | D74774/F001779-24 |
| Not Examined    | Plastic Container:Black Carpet- Trunk(211029)            | D74774/F001779-24 |

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Effective Date 1/21/2015

Chain of Custody of RG08-0037 Form-L-67.05

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ORCHID  
CELLMARK

## Chain of Custody of RG08-0037

Orchid Cellmark - Dallas

Agency Case No.: D74774/F001779

Subjects: Dana Ireland; Shawn A. Schweitzer

Add'l Agency Case No.: N/A

Suspects: Albert Schweitzer; Frank Raymond Pauline Jr.

|                 |   |                   |
|-----------------|---|-------------------|
| RG08-0037-06.01 | Hairs:Clump(407372)   | D74774/F001779-25 |
| Not Examined    | White Envelope:Plucked Head Hair - Dana Ireland(210999)         | D74774/F001779-26 |
| Not Examined    | Cardboard Slide Holder:Plucked Head Hair - Dana Ireland(211000) | D74774/F001779-26 |
| Not Examined    | Cardboard Slide Holder:Plucked Head Hair - Dana Ireland(211001) | D74774/F001779-26 |
| Not Examined    | Brown Paper Bag:Corona Beer Bottle #1(211010)                   | D74774/F001779-27 |
| Not Examined    | Brown Paper Bag:Corona Beer Bottle #2(211011)                   | D74774/F001779-27 |
| Not Examined    | Paper:Description Tag(211012)                                   | D74774/F001779-27 |

## Chain of Custody History:

| Item                               | Sealed | Scientist | Date/Time          | Storage | Action          | Comments |
|------------------------------------|--------|-----------|--------------------|---------|-----------------|----------|
| Large Box(209765) - D74774/F001779 | Y      | DLG       | 5/18/2009 11:34 AM | 110 RT  | Accessioned     |          |
|                                    |        | MG        | 5/22/2009 1:28 PM  | 112 RT  | Assigned/Moved  |          |
|                                    |        | MG        | 5/22/2009 3:40 PM  | 112 RT  | Assigned/Moved  |          |
|                                    |        | MG        | 5/28/2009 8:40 AM  | 112 RT  | Assigned/Moved  |          |
|                                    |        | MG        | 5/28/2009 10:01 AM | 110 RT  | Assigned/Moved  |          |
|                                    |        | MG        | 6/1/2009 7:30 AM   | 112 RT  | Assigned/Moved  |          |
|                                    |        | MG        | 6/1/2009 11:51 AM  | 110 RT  | Assigned/Moved  |          |
|                                    |        | JC        | 3/13/2012 7:56 PM  | 111 RT  | Assigned/Moved  |          |
|                                    |        | JC        | 3/20/2012 6:24 PM  | 112 RT  | Assigned/Moved  |          |
|                                    |        | JC        | 3/20/2012 8:05 PM  | 111 RT  | Assigned/Moved  |          |
|                                    |        | JC        | 3/21/2012 5:26 PM  | 112 RT  | Assigned/Moved  |          |
|                                    |        | JC        | 3/21/2012 8:01 PM  | 111 RT  | Assigned/Moved  |          |
|                                    |        | JC        | 8/6/2012 5:26 PM   | 110 RT  | Assigned/Moved  |          |
|                                    |        | JLS       | 9/25/2013 3:15 PM  | 112 RT  | Assigned/Moved  |          |
|                                    |        | JLS       | 9/25/2013 5:30 PM  | 110 RT  | Assigned/Moved  |          |
|                                    |        | JLS       | 9/26/2013 11:14 AM | 112 RT  | Assigned/Moved  |          |
|                                    |        | JLS       | 9/26/2013 5:22 PM  | 110 RT  | Assigned/Moved  |          |
|                                    |        | RF        | 2/18/2014 12:25 PM | 115 RT  | Assigned/Moved  |          |
|                                    |        | RF        | 2/18/2014 1:10 PM  | 110 RT  | Assigned/Moved  |          |
|                                    |        | RF        | 3/6/2015 8:56 AM   | 115 RT  | Assigned/Moved  |          |
|                                    |        | RF        | 3/6/2015 9:32 AM   | 110 RT  | Assigned/Moved  |          |
|                                    |        |           | 9/23/2015 9:09 AM  |         | Return Shipment |          |

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Effective Date 1/21/2015

Chain of Custody of RG08-0037 Form-L-67.05

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ORCHID  
CELLMARK

## Chain of Custody of RG08-0037

Orchid Cellmark - Dallas

Agency Case No.: D74774/F001779

Subjects: Dana Ireland; Shawn A. Schweitzer

Add'l Agency Case No.: N/A

Suspects: Albert Schweitzer; Frank Raymond Pauline Jr.

Client: Professor Virginia Hensch  
University of Hawaii School of Law  
2515 Dole Street  
Honolulu, Hawaii 96822  
Phone: (808) 956-6547  
FAX: (808) 956-5569

Submission  
Detail:

|  |  |
|--|--|
| <input checked="" type="checkbox"/> Sealed | Ship ID: 7314                                      |
| Shipping:                                  | Barbara Freels CLP<br>FEDX:8680 4758 7528          |
| Signed For:                                | OR 9/4/2009 10:15 AM                               |
| Received By:                               | DLG 9/4/2009 10:17 AM<br>Container Storage 110: RT |

| OC #            | Item Description                                | External #     |
|-----------------|---|----------------|
| RG08-0037-17.01 | Buccal Swab - Frank Raymond Pauline Jr.(540340) | D74774/F001779 |
| RG08-0037-17.02 | Buccal Swab - Frank Raymond Pauline Jr.(540341) | D74774/F001779 |
| RG08-0037-17.03 | Buccal Swab - Frank Raymond Pauline Jr.(540342) | D74774/F001779 |
| RG08-0037-17.04 | Buccal Swab - Frank Raymond Pauline Jr.(540343) | D74774/F001779 |

## Chain of Custody History:

| Item                                       | Sealed | Scientist | Date/Time         | Storage | Action          | Comments |
|--|--------|-----------|-------------------|---------|-----------------|----------|
| FedEx Envelope(233154) -<br>D74774/F001779 | Y      | DLC       | 9/4/2009 2:49 PM  | 110 RT  | Accessioned     |          |
|  |        | MG        | 9/4/2009 3:18 PM  | 110 RT  | Accessioned     |          |
|  |        | MG        | 9/4/2009 3:22 PM  | 110 RT  | Assigned/Moved  |          |
|  |        | BL        | 2/1/2014 3:05 PM  | 112 RT  | Assigned/Moved  |          |
|  |        | BL        | 2/1/2014 3:14 PM  | 110 RT  | Assigned/Moved  |          |
|  |        |           | 9/23/2015 9:41 AM |         | Return Shipment |          |

ORCHID  
CELLMARK

## Chain of Custody of RG08-0037

Orchid Cellmark - Dallas

Agency Case No.: D74774/F001779

Subjects: Dana Ireland; Shawn A. Schweitzer

Add'l Agency Case No.: N/A

Suspects: Albert Schweitzer; Frank Raymond Pauline Jr.

Client: Professor Virginia Hench  
University of Hawaii School of Law  
2515 Dole Street  
Honolulu, Hawaii 96822  
Phone: (808) 956-6547  
FAX: (808) 956-5569

Submission  
Detail:

|  |  |
|--|--|
| <input checked="" type="checkbox"/> Sealed | Ship ID: 12536                                   |
| Shipping:                                  | Pradeepta Chowdhury FEDX:8005 9179 0431          |
| Signed For:                                | JLG 3/25/2013 10:51 AM                           |
| Received By:                               | RPM 3/25/2013 10:52 AM Container Storage 110: RT |

| OC #            | Item Description                                    | External #     |
|-----------------|---|----------------|
| RG08-0037-07.01 | Buccal Swab - Shawn A. Schweitzer(478624)           | D74774/F001779 |
| RG08-0037-07.02 | Buccal Swab - Shawn A. Schweitzer(478625)           | D74774/F001779 |
| Not Examined    | Swab Box:Buccal Swabs - Shawn A. Schweitzer(478623) | D74774/F001779 |

## Chain of Custody History:

| Item                                       | Sealed | Scientist | Date/Time          | Storage | Action          | Comments |
|--|--------|-----------|--------------------|---------|-----------------|----------|
| FedEx Envelope(477142) -<br>D74774/F001779 | Y      | RPM       | 3/25/2013 11:28 AM | 110: RT | Accessioned     |          |
|  |        | RF        | 4/9/2013 2:34 PM   | 115: RT | Assigned/Moved  |          |
|  |        | RF        | 4/9/2013 2:51 PM   | 110: RT | Assigned/Moved  |          |
|  |        |           | 9/23/2015 9:41 AM  |         | Return Shipment |          |

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Effective Date 1/21/2015

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